

FILED

June 9, 1989

NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS

PETER N. PERRETTI, JR.
ATTORNEY GENERAL OF NEW JERSEY
Attorney for the New Jersey State Board
of Medical Examiners

By: Deborah E. Winston
Deputy Attorney General
Division of Law - Room 316
1100 Raymond Boulevard
Newark, New Jersey 07102
(201) 648-3152

ORIGINAL

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF MEDICAL EXAMINERS
DOCKET NO.

IN THE MATTER OF:

LISA M. HOLLENBECK, D.C.

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: Administrative Action
:
: CONSENT ORDER

This matter was opened to the New Jersey State Board of Medical Examiners by PETER N. PERRETTI, JR., ATTORNEY GENERAL OF NEW JERSEY, by Deborah E. Winston, Deputy Attorney General, upon information that on or about May 15, 1989, Dr. Hollenbeck was arrested and charged with unlawful possession with intent to distribute Controlled Dangerous Substances, specifically Dilaudid, Dolophine and Doriden, all Schedule II substances. The police report states that the C.D.S. was in Dr. Hollenbeck's possession and that she was seen attempting to dispose of same, at the time of the arrest. On or about May 24, 1989 Dr. Hollenbeck appeared

before the Executive Committee of the Board in which she admitted that she had purchased the C.D.S. named above and in addition informed the committee that on a prior purchase of controlled dangerous substances, and on May 15, 1989, she had asked for Methadone. Dr. Hollenbeck, however, represents that the controlled dangerous substances were not for her own personal use, but for her boyfriend who suffered from a TMJ condition, and that it was her boyfriend who was in actual possession of the C.D.S. at the time of the arrest and who attempted to dispose of same at that time.

The Board being concerned as to the possibility of imminent danger to the public's health, safety and welfare of an impaired physician and Dr. Hollenbeck being mindful of the Board's concerns, voluntarily agrees to the entry of this Order;

THEREFORE, IT IS ON THE *9th* DAY OF *June*, 1989;

ORDERED THAT:

1. Respondent shall have her urine monitored on a random unannounced basis three (3) times weekly beginning upon the entry of this order until Friday, June 9, 1989, at which time a report will be prepared and presented to the Board of Medical Examiners to be reviewed by the Board at their June 14, 1989 meeting.

The urine monitoring shall be conducted with direct witnessing of the taking of the samples, and respondent shall be required to report to Princeton Diagnostic Laboratories of America (PDLA) for

the uring testing. The initial drug screen will utilize the EMIT technique and all confirming tests and/or secondary tests will be performed by gas chromatography/mass spectrometry (GC/MS). The testing procedure will include a forensic chain of custody protocol to ensure sample integrity and to provide documentation to withstand a legal challenge. All test results will be reported directly to Charles A. Janousek, Executive Director of the Board, or his designee in the event he is unavailable. The Board also will retain sole discretion to modify the manner of testing in the event technical developments or individual requirements indicate that a different methodology or approach is required in order to guarantee the accuracy and reliability of the testing.

2.

A "confirmed positive urine" shall be defined as an initial positive urine result from a screening test (e.g., the EMIT test or other similar screening test) which has been confirmed by a second positive result by GC/MS. In the event the manner of testing is modified in accordance with paragraph 1 herein, such modification shall be confirmed to the respondent in writing and shall become the new definition for a "confirmed positive urine."


3. Respondent shall cause any physician or dentist who prescribes medication which is a controlled dangerous substance to

provide a written report to the Board together with patient records indicating the need for such medication and confirming that the practitioner was advised in advance of the history of substance abuse. Such report shall be provided to the Board no later than seven (7) days subsequent to the prescription in order to avoid any confusion which would be caused by a confirmed positive urine test as a result of such medication. The purpose of this provision is to confirm that any controlled dangerous substance was prescribed for legitimate medical or dental cause.

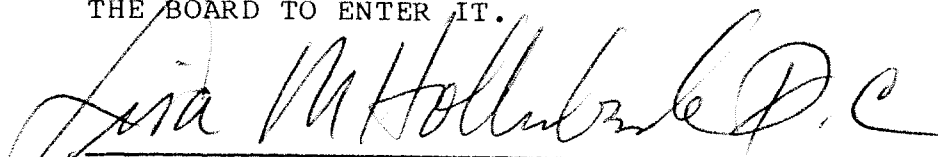
4. In the event the respondent is unable to appear for a scheduled urine test due to illness or other impossibility, consent to waive that day's test must be secured from Charles A. Janousek, Executive Director of the Board, or his designee. Mr. Janousek shall make such designation of an alternate from time to time as required. Mr. Janousek or his designee shall not unreasonably refuse his or her consent. The laboratory (i.e. the employees of PDLA) shall not be authorized to consent to a failure to appear. Mr. Janousek or his designee shall confirm such consent to the respondent within two (2) days. In addition, the respondent must provide the Board within two (2) days with written substantiation of her inability to appear, e.g., a physician's report attesting that the respondent was so ill that she was unable to provide the urine sample or appear for the test. "Impossibility" as employed in

this provision shall mean an obstacle beyond the control of the respondent that is so insurmountable or that makes appearance for the test or provision of the urine sample so infeasible that a reasonable person would not withhold consent to waive the test on that day. For example, a flat tire or other car breakdown does not make it impossible to appear for the test; a snowstorm of such magnitude that it would be extremely dangerous for any person to be on the road would make it impossible to appear; a full schedule of patients does not make it impossible to appear; a sick relative does not make it impossible to appear; a medical condition, documented by a physician or dentist, that would make it dangerous to respondent's health or safety would make it impossible to appear.

5. Any failure to appear for a urine test by the respondent for which consent is not secured from the Board and for which no written substantiation is furnished satisfactory to the Board within two (2) days of such failure to appear shall be grounds for the Board to draw an inference adverse to Dr. Hollenbeck.


FRANK J. MALTA, M.D.
PRESIDENT
STATE BOARD OF MEDICAL EXAMINERS

I HAVE READ THE WITHIN ORDER.
I UNDERSTAND THE ORDER, AND I
AGREE TO BE BOUND BY IT.
THE CONSENT IS HEREBY GIVEN TO
THE BOARD TO ENTER IT.


LISA M. HOLLENBECK, D.C.